

Green Paper¹

The Governance of Brampton University

1 Introduction

Brampton University aims to become a fully comprehensive public university with around 30,000 students by 2040. This is anticipated to drive approximately \$750m in institutional expenditures, up to \$1.5 billion in annual local economic impact and up to up to \$7 billion in total economic impact.² There is no other single development that will have such a transformative impact on the lives and potential of the people and the City of Brampton.

In *Living the Mosaic: Brampton 2040 Vision*,³ ten transformations were envisaged for the future of the City:

- A heart to draw everyone and shift the balance of local jobs – new Uptown and reset Downtown.
- Jobs within communities – five new Town Centres.
- Thriving arts scene – Arts Street as a unique maker-place, art hubs in the cores and spontaneously elsewhere.
- Complete living – revitalized existing districts, model new neighbourhoods, refreshed Bramalea, boulevard lifestyle along central Queens.
- Everything connected – transit network and new core loop, walking and cycling networks, virtual networks, new travel technologies exploited.
- Beauty brought back – streets for people, trees everywhere, designed communities, handsome buildings.
- Nature brought back – new Eco-Park, sustainable living integrated into everything.
- Social and health harmony – local hands tackling local problems.
- Organizations to act – local forces with resources, networks and leadership at hand.
- A way to act – five proven tools for success.

¹ Disclaimer: The City makes no representations or warranties regarding the content of this report or the establishment of a Brampton University.

² These figures are based on a range of impact studies undertaken in the last ten years across Canada.

³ City of Brampton (2018). *Living the Mosaic: Brampton 2040 Vision*.

One of the key recommendations of the report (Action 2.2) was: *“Realize the full potential of Brampton’s historic downtown as an advanced education, arts, and life sciences hub.”* At the time of the consultation and the release of the report (May 2018) hopes were running high of a \$90m provincial capital investment by the Province and the growth of a Ryerson University satellite campus in the downtown area of Brampton. The idea was sufficiently tangible at the time to be reflected in the planning vision for the downtown – see illustration below:



As is clearly reflected in the 2040 Vision document, for Brampton to flourish sustainably in social, environmental and economic terms, there is an urgent need to address the fact that 60% of all jobs for Brampton residents require travel outside the City. Indeed, as noted in the Brampton Economic Development Plan: *“The number and right kind of jobs - suiting residents’ education, talents, skills and preferences – are simply not available within Brampton’s borders.....In order to bring 140,000 net new jobs to Brampton over the next 20 years – and in light of global competition, technological disruptions and demands for talent – Brampton must continue to deliver services and programs that support talent development, new Canadians, and increased innovation and competitiveness.”*⁴

The Economic Development Plan envisaged a number of initiatives in support of this vision, all of which would be significantly enhanced - if not completely dependent upon - strategic investments in the post-secondary education sector and the creation of a culturally and technologically vibrant economy. Since the publication of this plan, hopes for modest investments in undergraduate and post-graduate provision via a satellite campus of Ryerson University have been put on hold. However, there remains

⁴ City of Brampton (2018). Brampton Economic Development Plan.

active interest by both Ryerson University and Algoma University to maintain and even expand their presence in specific program areas.

Recently, the idea that Brampton could have an independent, comprehensive and competitive university, governed by local civic, cultural and business leaders, has captured local political and popular imagination, in addition to favourable media commentary. See the BramptonU [web site](#) for further details.⁵

This green paper explores the rationale for an independent academic institution and describes current university governance systems internationally and in Ontario. The paper is being released to stimulate debate and obtain feedback from stakeholders in Brampton and elsewhere in Ontario and beyond.

2 International and Canadian Benchmarks

The international benchmarking conducted for the City of Brampton Development Plan was based on an in-depth analysis of six comparator cities around the world. The research produced one very significant common observation: *“All six cities have **large** [emphasis added] post-secondary institutions (university and college) within their municipal boundaries signalling by their scale, a longer term evolution of those institutions within those cities, and changing roles for those institutions with the municipalities and business communities.”*

The emphasis on ‘large’ in the above observation is important. As noted elsewhere: *“typically, cities with populations similar to Brampton’s house universities the size of McMaster University (30,000 students) and the University of Waterloo (37,000 students).”*⁶ Thus for Brampton to stand any chance of competing with sister cities in Canada and around the world for inward investment, jobs of the future, and social, cultural and economic growth, a significantly sized, independent institution is now vital.

Certainly, it may be argued that Brampton University can be built partly on the strengths of existing partnerships such as those with Algoma and Ryerson Universities and Sheridan College, in addition to other like-minded institutions in Ontario. But ultimately it must be an institution that can lead and help drive the vision of the City of Brampton if it is to be as impactful as required by the residents of the City.

It is argued that Brampton University should be established as an autonomous public institution by an Act of the Province of Ontario and become a world class institution (i.e. Global Top 500) within the next several decades.⁷ There is absolutely no reason why this cannot be achieved in one of Canada’s top ten cities by population, as it has been in eight of the others. The spectacular [success story of the University](#)

⁵ No fewer than 83% of responding participants at a recent ‘tele town hall’ event agreed that it was “very important” that Brampton “has its own University”.⁵

⁶ Wheeler D (2019). A University as it Might Be. [Academica Forum. January 21st 2019](#) (accessed 1st July 2019).

⁷ Alongside the University of Toronto (21st in the [Times Higher Education Ranking](#) for 2019), the University of British Columbia (37th), McGill (44th), McMaster University (77th), University of Montreal (90th), University of Alberta (132nd), University of Ottawa (176th), Western University (190th) and the University of Calgary (199th). In the latest rankings for 2020, the University of Toronto has improved to 18th place globally. See [Times Higher Education website](#) (accessed 16th December 2019).

[of Waterloo](#) is perhaps one of the most inspirational for Brampton, but there are many others too in Canada and around the world.

Below are the comparisons that may be taken into account in assessing the realism (and necessity) of the ambition given the direct competition for talent and inward investment that exists between these cities already and which can only be expected to intensify in the future.

City Rank (By Size of Population)	Population ¹¹	Anchor University	2020 Times Higher ⁸ University Rank	Student Population
Toronto (1)	2.7m	Toronto York Ryerson	18 401-500 601-800	62,000 (Toronto Campus) 56,000 45,000
Montreal (2)	1.7m	McGill Montreal Quebec	42 85 601-800	34,000 67,000 43,000
Calgary (3)	1.3m	Calgary	201-250	30,000
Ottawa (4)	0.93m	Ottawa	141	42,000
Edmonton (5)	0.93m	Alberta	136	38,000
Mississauga (6)	0.72m	Toronto	18	16,000
Winnipeg (7)	0.71m	Manitoba	351-400	29,000
Vancouver (8)	0.63	British Columbia	34	56,000 (Vancouver Campus)
Brampton (9)	0.59m	Brampton University (proposed)	Top 500 (target)	30,000 plus (proposed)
Hamilton (10)	0.54m	McMaster	72	32,000
Waterloo Region ¹³ (Tri-Cities plus hinterlands)	0.54m	Waterloo Wilfrid Laurier	201-250 Not Ranked	32,000 20,000
London	0.38m	Western	201-250	30,000
Markham	0.33m	None	n/a	n/a
Guelph	0.14m	Guelph	501-600	22,000

Table 1 Top ten cities in Canada by population (2016 StatsCan data) and university presence

⁸ See: <https://www.timeshighereducation.com/student/best-universities/best-universities-canada> (Accessed 2nd March 2020).

3 University Governance Models

There are many forms of University governance at play in Ontario, in Canada and indeed internationally.⁹ Current trends in the US, Australia, and Europe¹⁰ have attracted negative commentary from academics who fear that the increasing influence of government and business is leading to ‘corporatisation’ of the academy and an attendant host of problems, from soaring Vice-Chancellor pay,¹¹ to flawed appointment processes,^{12,13} to the negation of collegial decision-making with respect to academic direction.^{14,15} The main tensions are of course those involving i) resources, and ii) power and authority, in an increasingly competitive and accountability-driven public policy environment. Similar criticisms have been made in Canada.¹⁶

In Canada, most of our public universities have a system of university governance that is characterized as ‘bicameral’.¹ This means that the Board of Governors or Trustees, typically representing a mix of local business and community interests, students, faculty and (provincial) appointees, is largely responsible for fiduciary matters and appointing the President (as a *de facto* Chief Executive). Under bicameralism, academic direction is usually assumed to be the prerogative of a Senate or equivalent structure dominated by faculty interests. Senates typically receive their authority via the Board of Governors, usually enshrined by an Act of the legislature created by the relevant province.

In times of relative calm and adequate resourcing, it may be argued that bicameral structures have been broadly successful, with the President holding the responsibility for balancing the complementary powers of the Board of Governors/Trustees and the Academic Senate. A typical bicameral organisational structure is depicted as follows.

⁹ Paradeise, C, Reale, E, Bleiklie, I and Ferlie, E eds (2009). *University Governance. Western European Comparative Perspectives*. Berlin: Springer.

¹⁰ Watts R (2016). *Public Universities, Managerialism and the Value of Higher Education*. London: Palgrave Macmillan.

¹¹ Farquhar, S (2017) Universities would likely fail corporate governance tests on vice-chancellor pay. *Times Higher Education* December 14th 2017.

¹² Woodhouse, K (2015). [Appointment of former IBM executive causes unease at University of Iowa](#). *Times Higher Education* September 8th 2015.

¹³ Gill J, (2019). Is poor governance behind the high turnover of UK vice-chancellors? *Times Higher Education* February 21st, 2019.

¹⁴ Ross J (2019) [Has university governance lost touch with academic reality?](#) *Times Higher Education* May 16th 2019.

¹⁵ Basken P (2018). Canadian academics lament decline of shared governance
Union members urged to regain influence by focusing on big-picture problems, but time constraints emerge as major challenge. *Times Higher Education* 1st December 2018.

¹⁶ Webber, M., & Butovsky, J. (2018). Faculty associations confront accountability governance in Ontario universities. *The Canadian Journal of Higher Education*, 48(3), 165-181.

BICAMERAL GOVERNANCE OF BROCK UNIVERSITY
Board of Trustees and Senate
as of July 1, 2018

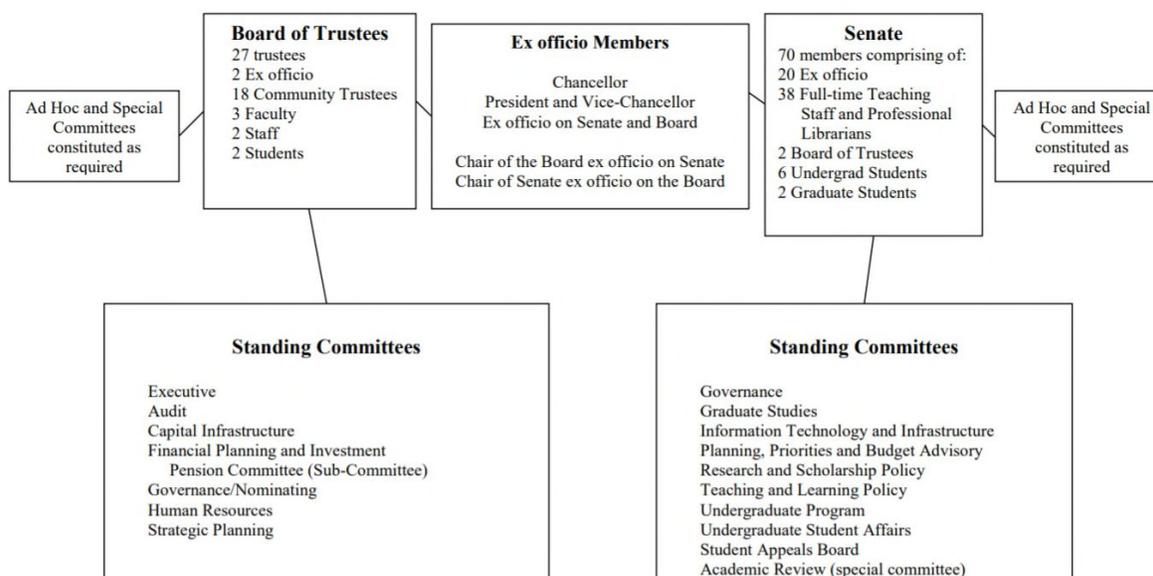


Figure 1: Bicameral Governance Structure of Brock University¹⁷

However, in times of tension and under-resourcing, the relationship between the executive and the Senate can become fractious, with academics seeking to protect their rights of decision-making and adequate resourcing for those decisions, and the administration attempting to ensure fiscal responsibility, sometimes to the extent of closing programs and curtailing academic appointments. As former Berkeley Chancellor Nicholas Dirks has observed in a US context: *“The current stalemate between faculty senates and university administrations is too often dysfunctional, leading to administrative efforts to sideline the role of faculty groups on the one side, and growing faculty distrust of administrators’ good faith on the other.”*¹⁸

If we look at the recent history of the creation of public universities in Ontario, we see a fairly consistent pattern of replication of the bicameral system, including in some cases the citing of the 1906 University of Toronto Act which enshrined this principle.ⁱⁱ Today the University of Toronto no longer has a bicameral structure; rather the various constituencies are represented within a Governing Council which has total powers, including the explicit ability to close programs and eliminate academic posts. Murray Ross described the process which led to the establishment of a unicameral structure at the University of

¹⁷ See governance website of Brock University. Via: <https://brocku.ca/university-secretariat/governance/> (accessed 22nd May 2018).

¹⁸ Nicholas Dirks (2018). On reimagining the university. Times Higher Education July 5th 2018.

Toronto in an article published in 1972.¹⁹ Despite Ross’s clear misgivings at the time, unicameralism plus ‘collegiate’ decentralisation of academic decision-making (similar to the Oxford and Cambridge college systems) has not been a disaster for the quality of academic and economic impacts of the UofT. Since 1971, the University of Toronto has grown to an institution of nearly 90,000 students, more than 14,000 faculty and more than \$1bn in annual research revenue. In addition, the University adds \$15.7bn to the Canadian economy annually.²⁰ Today, UofT is ranked 18th in the world by Times Higher Education, up from 21st the previous year.

The fifty-member Governing Council of the University of Toronto includes 16 provincial appointees (see below).

Governing Council

Corporation continued under new name	2.--(1) The Governors of the University of Toronto are continued as a corporation under the name “The Governing Council of the University of Toronto”. 1971, c. 56, s. 2(1).
Composition of Council	<p>(2) The Governing Council shall be composed of,</p> <ul style="list-style-type: none"> (a) the Chancellor and the President, who shall be <i>ex officio</i> members; (b) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges; (c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council; (d) twelve members elected by the teaching staff from among the teaching staff; (e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students; (f) two members elected by the administrative staff from among the administrative staff; and (g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni. 1971, c. 56, s. 2(2); 1978, c. 88, s. 2(1).

Figure 2: University of Toronto Governing Council Composition. Extract from the [University of Toronto Act 1971 \(amended\)](#).

¹⁹ Ross, M G (1972). The Dilution of Academic Power in Canada: The University of Toronto Act. *Minerva*, 10(2), 242-258

²⁰ See [University of Toronto website](#) (accessed 23rd May 2019).

Among the more recently incorporated Ontario universities which may have special relevance to the situation in Brampton, we may include Ryerson University (1993), the University of Ontario Institute of Technology (2002) and Algoma University (2008). In each case the university was formed from predecessor institutions and affiliations.ⁱⁱⁱ Ryerson University explicitly embraces bicameralism on the [governance section](#) of its website. The (now rebranded) [Ontario Tech University governance website](#) has similar language.^{iv} But it interesting to note that in the case of the UOIT Act bicameralism is somewhat downplayed, with all powers accrued to the Board of Governors and the creation of “an academic council” [sic] being dependent on bylaws with the only provision being that voting membership should simply include a majority of teaching staff:

10 (1) There shall be an academic council of the university consisting of the president of the university and such voting and non-voting members as may be provided for in the by-laws of the university so long as a majority of the voting members are members of the teaching staff of the university. 2002, c. 8, Sched. O, s. 10 (1).²¹

In contrast to UOIT/Ontario Tech University, bicameralism is hardwired into the Act establishing Algoma University,²² with relatively little prescription over Board composition (a total of only eight positions are prescribed, just three of which are provincial appointees). And unlike the UOIT Act, the powers of the Algoma Senate are explicitly detailed in the legislation. See below.

²¹ University of Ontario Institute of Technology Act. UOIT Web Site <https://usgc.uoit.ca/governance/index.php> (accessed 20th May 2019). See also Appendix II.

²² Algoma University Act, 2008, S.O. 2008, c. 13 <https://www.ontario.ca/laws/statute/08a13>.

Powers of senate

24 The senate has, subject to the approval of the board with respect to the expenditure of funds, the power to determine and regulate the educational policy of the University and, without limiting the generality of the foregoing, has the power,

- (a) to make recommendations to the Board with respect to the establishment, change or termination of programs and courses of study, schools, faculties, divisions and departments;
- (b) to advise the president of the University on the staffing needs of the academic departments;
- (c) to appoint the faculty deans and the divisional or departmental chairs as may be required from time to time;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the University and continued registration therein, and the qualifications for degrees, diplomas and certificates of the University;
- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (f) to hear and determine appeals from the decisions of the faculty councils on examinations and on applications for admission;
- (g) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (h) to authorize the Chancellor, the vice-chancellor or such other person as may be determined by the senate, to confer degrees, honorary degrees, diplomas and certificates on behalf of the University in accordance with section 6;
- (i) to create councils and committees to exercise its powers;
- (j) to make by-laws for the conduct of its affairs, including by-laws respecting the conduct of the election of its members. 2008, c. 13, s. 24.

Figure 3: Algoma University Powers of Senate. Extract from [Algoma University Act, 2008](#) (amended).

There are other publicly accredited universities in Ontario, including the Royal Military College of Canada (RMC) and Collège Universitaire de Hearst, the latter with financial support from the province. In addition, two institutions with a religious public purpose: Redeemer University College and Dominican University College, appear to operate satisfactorily in the province, albeit without discernible financial support from the province. As may be imagined, these institutions are governed somewhat independently. The Board of Governors of RMC reports directly to Minister of National Defence through its Chairman.²³ The Collège Universitaire de Hearst has a nine member board.²⁴ Despite its explicitly religious orientation Redeemer University College has benefited from specific Ontario legislation since 1980 which has conferred rights to offer degrees and adopt the name Redeemer University College.²⁵ Redeemer University College has also been a recipient of Federal government support for capital spending. Today, although affiliated with Carleton University, Dominican University College maintains

²³ See RMC Board of Governors website. Via: <https://www.rmc-cmr.ca/en/college-commandants-office/rmcc-board-governors> (accessed 22nd May 2018).

²⁴ See and Collège Universitaire de Hearst governance website. Via: <http://www.uhearst.ca/conseil-des-gouverneures-et-des-gouverneurs> (accessed 22nd May 2018).

²⁵ See Redeemer University College Charter. Via: <https://www.redeemer.ca/wp-content/uploads/board-charter.pdf> (accessed 22nd May 2018).

its independent identity and governance arrangements, operating under “a civil university charter by the Ontario Government” dating back to 1967.²⁶

A final note to add to this review of Ontario public universities and the structures and powers of their various governance bodies is to reflect the potential to appoint civic representatives to Boards of Governors. Here we may cite the example of Wilfrid Laurier University. Under the Wilfrid Laurier Act it is specified (Section 8.(1)) that the Board of Governors should consist of 34 members, to include “*One member appointed by each of The Regional Municipality of Waterloo, The Corporation of the City of Waterloo and The Corporation of the City of Kitchener.*”²⁷

4 Summary and Implications for Brampton University

- 1) There are a range of governance structures in play in publicly accredited and funded universities in Ontario. These include:
 - a. Large boards reflecting a wide variety of stakeholder interests, including the Province;
 - b. Smaller boards that are wholly independent and do not include provincial representation;
 - c. Explicit recognition of bicameralism in primary legislation and structures;
 - d. Implicit recognition of bicameralism subject to Board of Governors decisions;
 - e. No explicit or implicit recognition of bicameralism.
- 2) There is a precedent for conversion of existing non-university institutions into public provincial universities through Acts of the Legislature.
- 3) There is a precedent for municipal representation on Boards of Governors of accredited universities.
- 4) There is a precedent for independent institutions receiving provincial charters.
- 5) There is a precedent for independent institutions receiving provincial financial support on a *per capita* student basis for academic provision.
- 6) Based on precedent, there is no logical reason to deny the City of Brampton an independently governed university representing the interests of local civic, cultural and business institutions, students and employers.
- 7) Based on precedent, there is no reason to argue that Brampton University should not adopt a dynamic and accountable governance system that places the future needs of the City and the its students at the heart of a ‘unicameral’ model closer to that of the University of Toronto and the original intention of Ontario Tech University (formerly UOIT).

²⁶ See Dominican University College history, Via: <http://www.dominicanu.ca/about/history> (accessed 22nd May 2018).

²⁷ See Wilfrid Laurier University Act. Via: <https://www.wlu.ca/about/governance/assets/resources/wilfrid-laurier-university-act.html> (accessed 22nd May 2018).

5 Recommendations for the Province of Ontario

In this Green Paper we believe we have made an unassailable case for the City of Brampton being allowed to develop the same postsecondary opportunities as other large cities in Canada. We believe that the Province must now act to support the development of high quality post secondary opportunities in Brampton, and set standards and expectations through the following mechanisms:

- 1) Support the establishment of Brampton University as an independent public institution with a mission to deliver exceptional quality postsecondary education, linked to core design principles (see Green Paper on Academic Strategy), and exemplary support for both domestic and international students.
- 2) Ensure that employers are fully involved in the governance systems of the University, including the influencing of program design through an ‘Employers Council’.
- 3) Ensure that P-12 educators are fully involved in the governance systems of the University, including the influencing of program design through a ‘Schools Council’.
- 4) Ensure that community, civic and cultural institutions are fully involved in the governance of the University.
- 5) Support the development of a ‘Brampton University System’ of collaborating postsecondary providers who meet agreed quality standards, including student support, accessibility and flexibility criteria, and who are able to bring relevant programs to the City and its people as part of a broader partnership arrangement.
- 6) Incorporate all of the above into an Act of the Provincial Legislature: “The Brampton University Act”.

ⁱ See for example the [governance section](#) of the Ryerson University website: “Ryerson University has a bi-cameral governance structure which means that there are two governing bodies working at the university, the Board of Governors and the [Senate](#). These two bodies are closely intertwined through the budget process, but remain quite separate from each other in terms of decision-making. The Senate governs all academic matters. The Board of Governors is responsible for the governance of the university; control of its property and revenues; the conduct of its business and affairs, except for matters assigned by the Act to Senate; powers specifically enumerated by the [PDF file Ryerson University Act](#) and the [PDF file By-Laws of the University](#). The Board’s implied powers include institutional strategic planning, risk management, and financial management of the university.” See also the [governance section](#) of the Wilfrid Laurier University website: “Like many universities in Canada, Wilfrid Laurier University has a bicameral governance system. At Laurier, our bicameral governance system provides for two separate and distinct governing bodies: the [Senate](#) and the [Board of Governors](#). The powers of both the Senate and the Board of Governors are set out in the [Wilfrid Laurier University Act](#) (the Act). While each governing body has its own responsibilities, there are many areas where both bodies must act in order to advance a university initiative. For example, the creation of a new academic department requires that Senate review and recommend the proposal to the Board; the Board then considers the proposal, including its financial and other implications for the university, before approving the new department. The Act also outlines the membership of each governing body, which is broadly representative of the university community and external stakeholders. Each governing body has

appointed and elected members, with cross-appointments to ensure open communication between the two.” See also the [governance section](#) of the University of Ontario Institute of Technology website: “The university was established by the [University of Ontario Institute of Technology Act](#), 2002, S.O. 2002, Chapter 8, Schedule 0 (Act). The Act sets out a bicameral form of governance structure, with the Board of Governors being responsible for governing and managing the affairs of the university and Academic Council having responsibility for making recommendations to the Board with respect to academic matters. The university also has a Chancellor, who is the titular head of the university and confers all degrees, honorary degrees, certificates and diplomas on behalf of the university. The President, as Chief Executive Officer and Vice-Chancellor of the university, has supervision over and direction of the academic and general administration of the university.”

ⁱⁱ According to the [governance section](#) of the Nipissing University website: “Nipissing University received its charter as an independent university in 1992, thus allowing the school to grant baccalaureate degrees. On December 12, 2001, the government of Ontario passed a bill revising the university’s charter to permit it to grant graduate degrees. The governance of Nipissing University is modelled on the provincial University of Toronto Act of 1906, which established a bicameral system of university government consisting of a senate (faculty), responsible for academic policy, and a board of governors (citizens) exercising exclusive control over financial policy and having formal authority in all other matters. The president, appointed by the board, is to provide a link between the two bodies and to perform institutional leadership.”

ⁱⁱⁱ According to the [governance section of the Ryerson University website](#), “Ryerson University gained official university status in 1993, having developed from an Institute of Technology (1948) later rebranded as a Ryerson Polytechnic Institute (1963) with an ability to grant degrees from 1971.”

^{iv} As noted above, according to the governance section of the Ontario Tech University website: “The university was established by the [University of Ontario Institute of Technology Act](#), 2002, S.O. 2002, Chapter 8, Schedule 0 (Act). The Act sets out a bicameral form of governance structure, with the Board of Governors being responsible for governing and managing the affairs of the university and Academic Council having responsibility for making recommendations to the Board with respect to academic matters.”